

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 04 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar No. 13644

HOLLY A. VANCE
Assistant United States Attorney
400 South Virginia Street, Suite 900
Reno, Nevada 89501
Telephone: 775-784-5438
Email: holly.vance@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL J. WELLS,

Plaintiff,

v.

LINDA McMAHON, in her official capacity as
the Administrator of the U.S. SMALL
BUSINESS ADMINISTRATION, *et al.*,

Defendants.

Case No. 3:18-cv-00297-LRH-CBC

**Stipulation for Amended Scheduling
Order**

COME NOW Plaintiff Michael J. Wells, Defendant Nevada State Development Company, and Defendant Linda McMahon and hereby move for an Amended Scheduling Order based on the recent partial government shutdown.

1. On November 19, 2018, the Court entered a Scheduling Order (ECF No. 25) in this case.

2. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice ("Department") expired and appropriations to the Department lapsed.

3. After 35 days, on Friday, January 25, 2019, the United States Congress enacted, and the President signed, a new continuing resolution funding the Department.

1 4. During the lapse in appropriations, federal law and Department policy prohibited
2 undersigned counsel from working on this case.

3 5. On January 10, 2019, the Court granted a stay in this matter and ordered that
4 deadlines be extended commensurate with the duration of the lapse in appropriations (ECF No.
5 29).

6 The Parties hereby request that the Court enter an Order lifting the previously entered
7 stay, and establishing the following amended schedule, which extends all previously established
8 deadlines by thirty-five (35) days:

9 1. **Discovery Cut-Off** previously set for December 31, 2019, shall be extended thirty-
10 five (35) days to Tuesday, **February 4, 2020**.

11 2. **Amending the Pleadings and Adding Parties** previously set for September 30,
12 2019, shall be extended thirty-five (35) days to Monday, **November 4, 2019**.

13 3. **Initial Disclosures** previously set for January 31, 2019, shall be extended thirty-five
14 (35) days to Thursday, **March 7, 2019**.

15 4. **Initial Expert Disclosures** previously set for November 1, 2019, shall be extended
16 thirty-five (35) days to Friday, **December 6, 2019**.

17 5. **Rebuttal Expert Disclosures** previously set for November 30, 2019, shall be
18 extended thirty-five (35) days to Monday, **January 6, 2020**.¹

19 6. **Interim Status Report** previously set for September 30, 2019, shall be extended
20 thirty-five (35) days to Monday, **November 4, 2019**.

21 7. **Dispositive motions** previously set for January 31, 2020, shall be extended thirty-
22 five (35) days to Friday, **March 6, 2020**.

23 8. **Proposed joint pretrial order** previously set for February 28, 2020, shall be
24 extended thirty-five (35) days to Friday, **April 3, 2020**. In the event dispositive motions are

25 ////

26 _____
27 ¹ Pursuant to Fed. R. Civ. P. 6(a)(1)(C), "When the period is stated in days ... if the last
28 day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next
day that is not a Saturday, Sunday or legal holiday."

1 filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision
2 on the dispositive motions or further court order.

3 The Parties also agree and stipulate that the United States' Reply in support of its
4 Motion to Dismiss shall be extended to **March 29, 2019**.

5 Respectfully submitted this 31st day of January 2019.

6 NICHOLAS A. TRUTANICH
7 United States Attorney

ERICKSON, THORPE &
SWAINSTON, LTD.

8 /s/ Holly A. Vance
9 HOLLY A. VANCE
Assistant United States Attorney

/s/ John C. Boyden
JOHN C. BOYDEN, Esq.

10 *Attorneys for Defendant McMahon*

Attorneys for Plaintiff Michael J. Wells

11 GOODSSELL & OLSEN, LLP

12 /s/ Michael A. Olsen
13 MICHAEL A. OLSEN, Esq.

14 *Attorneys for Defendant Nevada State
15 Development Corp.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. WELLS,) Case No. 3:18-cv-00297-LRH-CBC
Plaintiff,)
v.) **Proposed Order Amended Scheduling**
LINDA McMAHON, in her official capacity as) **Order**
the Administrator of the U.S. SMALL)
BUSINESS ADMINISTRATION, *et al.*,)
Defendants.)

The Court having reviewed the Parties Stipulation for an Amended Scheduling Order and finding good cause therefore,

IT IS HEREBY ORDERED:

1. The stay previously entered by the Court on January 10, 2019 (ECF No. 29) is hereby lifted.

2. The following events are hereby scheduled for the following dates:

Discovery Cut-Off previously set for December 31, 2019, shall be extended thirty-five (35) days to Tuesday, **February 4, 2020**.

Amending the Pleadings and Adding Parties previously set for September 30, 2019, shall be extended thirty-five (35) days to Monday, **November 4, 2019**.

Initial Disclosures previously set for January 31, 2019, shall be extended thirty-five (35) days to Thursday, **March 7, 2019**.

Initial Expert Disclosures previously set for November 1, 2019, shall be extended thirty-five (35) days to Friday, **December 6, 2019**.

Rebuttal Expert Disclosures previously set for November 30, 2019, shall be extended thirty-five (35) days to Monday, **January 6, 2020**.

////

1 **Interim Status Report** previously set for September 30, 2019, shall be extended thirty-
2 five (35) days to Monday, **November 4, 2019**.

3 **Dispositive motions** previously set for January 31, 2020, shall be extended thirty-five
4 (35) days to Friday, **March 6, 2020**.

5 **Proposed joint pretrial order** previously set for February 28, 2020, shall be extended
6 thirty-five (35) days to Friday, **April 3, 2020**. In the event dispositive motions are filed, the
7 deadline for filing the joint pretrial order will be suspended until 30 days after decision on the
8 dispositive motions or further court order.

9 The United States' Reply in support of its Motion to Dismiss shall be extended to
10 **March 29, 2019**.

11
12 IT IS SO ORDERED:

13 
14 UNITED STATES MAGISTRAGE JUDGE

15 DATED: 2/4/2019
16
17
18
19
20
21
22
23
24
25
26
27
28